

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
WHITESIDE COUNTY ILLINOIS
GENERAL DIVISION

DONTAE JOHNSON,

Plaintiff,

vs.

VILLAGE OF LYNDON, an Illinois
Municipality,

Defendant.

Case No.: 2021-L -000039

COMPLAINT AND JURY DEMAND

Now comes the Plaintiff, Dontae Johnson by and through his attorney Stephen T. Fieweger and for his complaint at law against the defendant, Village of Lyndon and in support thereof states as follows:

Count I – Race Discrimination in Employment 42 USC §2000 e-1 et. seq.

1. That plaintiff Dontae Johnson at all times relevant to this cause of action was a resident of Whiteside County, Illinois.
2. That the defendant Village of Lyndon is an Illinois municipality.
3. That plaintiff Dontae Johnson is a member of a protected class in that he is African American.
4. That Dontae has previously filed his administrative charge of discrimination with the Equal Employment Opportunity Commission and has been issued a right to sue letter. **Exhibit 1**, a true and correct copy of the Department of Justice July 28, 2021 letter granting or providing plaintiff with the right to sue is attached hereto and made a part of this complaint. Plaintiff Dontae Johnson has exhausted his administrative remedy.

5. This court has subject matter jurisdiction under 24 USC §2000 e-1 et. seq. and 28 USC §1331.

6. That beginning in September 2018 Dontae applied for an employment position with the Village of Lyndon in its public works department. Despite being qualified for the position the defendant Village of Lyndon on September 27, 2018 hired David Arthors, a Caucasian that was not a member of the protected class. Plaintiff Dontae Johnson was more qualified for the position than Mr. Arthors yet he was not hired.

7. That on or about October 13, 2018 David Arthors quit his position with the public works department of the defendant.

8. That on October 13, 2018 Dontae informed the director of the public works department, John Wright that he was still interested in being hired for the position.

9. That on October 22, 2018 John Wright informed plaintiff that the person that they had hired in the interim had not shown up for work and plaintiff was instructed by Wright to submit another application for employment. Plaintiff did this on October 22, 2018.

10. That on May 7, 2019 Dontae text messaged a text to John Wright to inform him that he was still interested in the job and that he had spoken to Gary Sutton who informed him to submit another application. Plaintiff did submit an application.

11. That the next day on May 8, 2019 Cody Wright, John Wright's wife posted on Facebook that the Village of Lyndon needed to hire a part-time person for the public works department.

12. That on or about August 15, 2019 the defendant hired another Caucasian person for a position in the public works department despite Dontae's availability and his qualifications.

13. That as a direct and proximate result of the defendants acts of race discrimination plaintiff has sustained damages equal to back pay, he is entitled to placement in the position in the public works department or in lieu thereof front pay, he is entitled to recover compensatory damages including damages for emotional distress and he is entitled to recover his attorney's fees.

WHEREFORE Dontae Johnson hereby requests that this court enter a judgment in his favor and against the defendant Village of Lyndon in an amount equal to his lost back pay, placement in a position in the public works department or in lieu thereof front pay and award of compensatory damages including emotional distress damages plus the courts of this action and recovery of his attorney's fees and costs.

Count II – Race Discrimination in Employment 42 USC §1981

1. Dontae Johnson is a resident of Whiteside County Illinois and at all times relevant to his cause of action is a member of a protected class in that he is African American.

2. That the defendant Village of Lyndon is an Illinois municipality.

3. That this court has subject matter jurisdiction over this cause of action pursuant to 42 USC §1981 and 28 USC §1331.

4. That beginning in September 2018 plaintiff began applying for jobs with the defendant's public work department and despite being well qualified for the positions he has repeatedly turned down.

5. That on September 27, 2018 defendant hired David Arthors a Caucasian employee.

6. On October 13, 2018 David Arthors quit.

7. That on or about October 15, 2018 defendant hired Quinton Castro a non-African American for a position in public works department. Castro failed to show up for work on October 22, 2018. Plaintiff submitted another job application to the defendant that day.

8. That on August 15, 2019 defendant hired Austin McKee as a public works employee. Austin McKee is Caucasian.

9. That on or about February 14, 2020 defendant hired Mike Dickey another Caucasian employee as a public works employer.

10. That on March 4, 2020 defendant hired Ross Hughes for a position in the public works department. Ross Hughes is Caucasian.

11. That the defendant's actions constitute a violation of 42 USC §1981 in that plaintiff was not given the same opportunity to be hired for positions in the public works department that non-African American employees are granted.

12. That as a direct and proximate result of the defendant's acts of race discrimination plaintiff is entitled to recover damages equal to his back pay, is entitled to placement into a position in the public works department or in lieu thereof front pay, is entitled to recover compensatory damage including emotional distress damages and is entitled to recover his attorney's fees and costs of this action.

WHEREFORE, Dontae Johnson hereby requests that this court enter a judgment in his favor and against the defendant Village of Lyndon in an amount equal to his lost back pay, placement in a position in the public works department or in lieu thereof front pay, an award of compensatory damages, and an award of his attorney's fees and the costs of this action.

PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY

Dontae Johnson, Plaintiff

/s/ Stephen T. Fieweger

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